

MAR 18 1967

Honorable Henry M. Jackson
Chairman, Committee on Interior
and Insular Affairs
United States Senate
3106 New Senate Office Building
Washington, D. C. 20510

Dear Mr. Chairman:

This is in further response to your requests of January 24 and 30, 1967, for the comments of the Bureau of the Budget on S. 449 and S. 450, bills to provide for the popular election of the Governors of Guam and the Virgin Islands.

At a meeting on March 14 with Senator Burdick and staff of your Committee we were asked to prepare draft language to carry out the recommendations contained in our earlier letter of March 3. Those recommendations dealt with the authority of the President to remove an elected Governor and to veto acts of the territorial legislatures for certain causes. In the course of the March 14 meeting we agreed to substitute for the veto authority language which would permit Presidential annulment of local laws.

We would propose, with respect to S. 449, that:

- The proposed amendment of section 7 of the Organic Act of Guam contained in section 2 of S. 449 read as follows:
"SEC. 7. Any Governor or Acting Governor of Guam may be removed from office (a) by the people registered to vote in Guam if 75 per centum of the persons registered to vote shall vote in favor of recall at a referendum election, or (b) by the President if such action is deemed by him to be necessary to protect the security, foreign relations, or property interests of the United States. A referendum election, for purposes of this section, may be initiated by the legislature of Guam following a two-thirds vote of the members of such legislature in favor of a referendum, or by a petition to the legislature of 25 per centum of the people registered to vote in Guam."

- The proposed amendment of section 8(b) of the Organic Act of Guam contained in section 3 of S. 449 be revised by inserting the words "removed by the President," following the words "removed by recall,".

- The following be added to section 7 of S. 449: "Section 19 of the Organic Act of Guam is further amended by deleting the last sentence and by substituting therefor the following: 'Copies of all laws enacted by the legislature shall be transmitted promptly by the Governor to the President and to the Congress. The President is authorized to annul any such law within sixty days of receiving a copy of such law if he deems such action to be necessary to protect the security, foreign relations, or property interests of the United States. The Congress reserves the power and authority to annul any such law within one year of its receipt by the Congress.'"

With respect to S. 450, we propose that:

- The present language in section 3 of the bill be designated as subsection (a) and that the following new subsection be added: "(b) Section 9, subsection (g), of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 501; 48 U.S.C. 1575 (g)) is amended to read: 'Copies of all laws enacted by the legislature shall be transmitted promptly by the Governor to the President and to the Congress. The President is authorized to annul any such law within sixty days of receiving a copy of such law if he deems such action to be necessary to protect the security, foreign relations, or property interests of the United States.'"
- The proposed amendment of section 12 of the Revised Organic Act of the Virgin Islands contained in section 5 of S.450 read as follows: "SEC. 12. Any Governor or Acting Governor of the Virgin Islands may be removed from office (a) by the people registered to vote in the Virgin Islands if 75 per centum of the persons registered to vote shall vote in favor of recall at a referendum election, or (b) by the President if such action is deemed by him to be necessary to protect the security, foreign relations, or property interests of the United States. A referendum election, for purposes of this section, may be initiated by the legislature of the Virgin Islands following a two-thirds vote of the members of the legislature in favor of a referendum or by a petition to the legislature of 25 per centum of the people registered to vote in the Virgin Islands."
- The proposed amendment of section 14(b) of the Revised Organic Act of the Virgin Islands contained in section 7 of S. 450 be revised by inserting the words "removed by the President," following the words "removal by recall,".

It should be noted that our suggested language is designed to fit in with the existing provisions of S. 449 and S. 450. We are not taking a position with respect to the alternatives of removal of elected Governors by recall or impeachment or the authority of the Congress to annul local laws.

We believe the authority to elect their own Governors would represent a significant step in the achievement of local self-government in Guam and the Virgin Islands. As we have indicated previously the intent of the amendments we are proposing is not to diminish or limit the concept of local self-government in those areas. Rather, the intent is to assure that the President retains the minimal authorities he needs to carry out his continuing responsibilities under the Constitution.

The language we have proposed would permit the territories to have full control over their local affairs. The President's authority would be strictly limited to matters involving the security, foreign relations, or property interests of the United States. These are areas, we believe, of legitimate and continuing concern to the President.

With the enactment of the elected-governor bills, Guam and the Virgin Islands, while enjoying a full measure of local self-government, will continue to have a unique relationship to the Federal Government: i.e., their basic form of government will still be prescribed by Federal law in the form of their organic acts. The relationship of Guam and the Virgin Islands to the Federal Government will be in many respects analogous to that of a city to a State government. The States retain a responsibility for the organization and operations of their political subdivisions and, under certain State constitutions and laws, the Governors have removal authorities comparable to those we are proposing to vest in the President.

In sum, because of his continuing responsibilities under the Constitution, we believe the President should not be left in a position in which he has no authority to protect significant Federal interests in the territories.

Sincerely,



(Signed) Wilfred H. Rommel

Wilfred H. Rommel
Assistant Director for
Legislative Reference